

**KENTUCKY PERSONNEL BOARD
MINUTES OF APRIL 11, 2014**

1. The regular monthly meeting of the Kentucky Personnel Board was called to order by Chairman Doug Sapp on April 11, 2014, at approximately 9:30 a.m., 28 Fountain Place, Frankfort, Kentucky.

Board Personnel Present:

Wayne "Doug" Sapp, Chairman
Larry B. Gillis, Vice Chairman
David B. Stevens, Member
David F. Hutcheson, Jr., Member
Tommy W. Chandler, Member
Donald W. "Don" Blevins, Member
Ramona Herndon, Member
Mark A. Sipek, Executive Director and Secretary
Boyce A. Crocker, General Counsel
Linda R. Morris, Administrative Section Supervisor
Cynthia Perkins, Administrative Specialist

2. **READING OF THE MINUTES OF REGULAR MEETING HELD MARCH 14, 2014**

The minutes of the last Board meeting had been previously circulated among the members. Chairman Sapp asked for additions or corrections. Dr. Stevens moved to approve the minutes, as submitted. Mr. Blevins seconded and the motion carried 7-0. The Board members signed the minutes.

Chairman Sapp noted that Judge Chandler's grandson, Ben Chandler, was present to observe the Board meeting and thanked him for coming today.

3. **EXECUTIVE DIRECTOR'S REPORT**

Mr. Sipek stated that today is the last day to receive notices from potential Hearing Officers for the next fiscal year. One current Hearing Officer is not coming back. The Hearing Officers selected will be proposed at the May Board meeting for approval.

Mr. Sipek stated that the Board elections are on schedule and merit employees have until May 15, 2014, to submit their candidature. The Board has received a few, but should pick up as the date draws near.

Mr. Sipek stated that the Board's Agenda has been light for a few months, but next month four oral arguments are scheduled and the PSC investigative report should be ready for the Board's review as well.

Mr. Sipek advised that the Kentucky Association of Administrative Adjudicators (KAAA) training is the same day as the May 9, 2014 Board meeting. The keynote speaker is Kentucky Supreme Court Justice Michelle Keller who was a former Personnel Board Chair and Hearing Officer. Mr. Sipek said he and Mr. Crocker are on a panel and are scheduled to speak after the Board meeting. The Board members are welcome to attend.

At the conclusion of Mr. Sipek's report, Chairman Sapp called for the Personnel Cabinet's report.

4. PERSONNEL CABINET'S REPORT

The Hon. Dinah Bevington, Executive Director, was present to provide the Personnel Cabinet's report.

Ms. Bevington stated that the Humana "Living Well Promise" health assessments are to be completed by May 1, 2014. There are about 25,000 participants who still need to complete the assessment.

The Personnel Cabinet is following the Legislature's budget bill because, if it passes, state employees will receive an increment for the first time in years. Ms. Bevington will provide a report next month and the impact on state employees.

The Office of Diversity and Equality upholds affirmative action, provides training, reaffirms the state's equal hiring in the workplace and sets minority goals, in a harassment free workplace. Their new Affirmative Action Plan is available on the website.

Mr. Crocker thanked Ms. Bevington for putting out a blast e-mail to all state employees concerning the Board's election.

5. ORAL ARGUMENTS - NONE

6. INVESTIGATIONS

Request for investigation referred by Executive Branch Ethics Commission Against the Public Service Commission – Update

Mr. Sipek stated that he has one more interview to conduct. He will have a report ready to discuss at the next Board meeting.

7. CLOSED SESSION

Dr. Stevens moved that the Board go into Executive Session for the purposes of discussing complaints, proposed or pending litigation, and deliberations regarding individual adjudications. Mr. Hutcheson seconded. Chairman Sapp stated that the motion had been made and seconded for the Personnel Board to retire into closed Executive Session, passed by a majority vote of the members present, with enough members present to form a quorum. Pursuant to KRS 61.810(1) (c), (f), and (j), the Kentucky Open Meetings Act, the Board will now retire into closed Executive Session. Specific justification under the Kentucky Open Meetings Act for this action are as follows, because there will be discussion of proposed or pending litigation against or on behalf of the Board; and deliberations regarding individual adjudication. The motion carried 7-0. (9:52 a.m.)

Mr. Gillis moved to return to open session. Dr. Stevens seconded and the motion carried 7-0. (10:33 a.m.)

8. CASES TO BE DECIDED

The Board reviewed the following cases. At that time, the Board considered the record including the Hearing Officers' findings of fact, conclusions of law and recommendations, any exceptions and responses which had been filed, and oral arguments where applicable.

A. Amanda Burton v. Cabinet for Health and Family Services (2013-108)

Mr. Gillis moved to note Appellant's exceptions and Appellee's response and to accept the recommended order dismissing the appeal. Mr. Hutcheson seconded and the motion carried 7-0.

B. Vickie Brockman v. Cabinet for Health and Family Services (2012-078, 2012-080, 2012-177 and 2012-182)

Mr. Hutcheson moved to note that Appellant's exceptions were untimely and not seen by the Board and to accept the recommended order dismissing the appeals. Dr. Stevens seconded and the motion carried 7-0.

C. Ebony Claytor v. Cabinet for Health and Family Services (2013-199)

Judge Chandler moved to accept the recommended order dismissing the appeal. Dr. Stevens seconded and the motion carried 7-0.

D. Zandra Glass v. Justice and Public Safety Cabinet (Corrections) (2013-058)

Mr. Blevins moved to accept the recommended order dismissing the appeal. Ms. Herndon seconded and the motion carried 7-0.

- E. Teresa Gray v. Justice and Public Safety Cabinet (Juvenile Justice)
(2012-145 and (2012-221)

Mr. Gillis moved to accept the recommended order dismissing the appeals. Dr. Stevens seconded and the motion carried 7-0.

- F. Beverly Jones v. Cabinet for Health and Family Services and Personnel
Cabinet (2013-195)

Dr. Stevens moved to accept the recommended order dismissing the appeal. Ms. Herndon seconded and the motion carried 7-0.

- G. Phyllis Milby v. Cabinet for Health and Family Services (2014-020)

Mr. Hutcheson moved to accept the recommended order dismissing the appeal. Mr. Gillis seconded and the motion carried 7-0.

Show Cause Orders – Response Filed

- H. Tunji Oyekunle v. Cabinet for Health and Family Services

Mr. Blevins moved to note the Appellant's response and the Appellee's response and to accept the recommended order dismissing the appeal. Ms. Herndon seconded and the motion carried 7-0.

Show Cause Orders - Appeals Dismissed – No Response Filed

The following cases had a show cause order entered by the hearing officer recommending that the appeals be dismissed for failure to timely prosecute unless a statement was filed by the Appellants stating sufficient cause to excuse their failure to appear at the scheduled hearing. There were no responses submitted by the Appellants to the show cause orders.

- I. Dennis "Brian" Floyd v. Finance and Administration Cabinet
J. Monique Mitchell v. Justice and Public Safety Cabinet (Juvenile Justice)
K. Jose Morris v. Cabinet for Health and Family Services
L. Joshua Williams v. Justice and Public Safety Cabinet (Corrections)

Mr. Hutcheson moved to accept the recommended order dismissing the appeal for failure to timely prosecute as the Appellant had not responded to the show cause order. Mr. Gillis seconded and the motion carried 7-0.

9. **WITHDRAWALS**

Dr. Stevens moved to consider the following withdrawals of appeals "B through I" *en bloc* and to accept the withdrawals and dismiss the appeals. Ms. Herndon seconded and the motion carried 7-0.

- A. ~~Martin Baker v. Justice and Public Safety Cabinet~~ (see Settlements)
- B. Nathaniel Bebe v. Cabinet for Health and Family Services
- C. Gary S. Jones v. Justice and Public Safety Cabinet (Juvenile Justice)
- D. Lloyd Brent Knotts v. Justice and Public Safety Cabinet (Juvenile Justice)
- E. Brent Mason v. Cabinet for Health and Family Services
- F. Claude Smith v. Education and Workforce Development Cabinet (Education)
- G. Donald Smith v. Transportation Cabinet
- H. Barbara Whitney v. Justice and Public Safety Cabinet (Corrections)
- I. Amy Gibson v. Personnel Cabinet

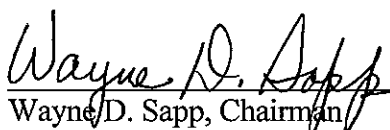
10. **SETTLEMENTS**

Judge Chandler moved to accept settlements "A through F" *en bloc* as submitted by the parties, and to sustain the appeals to the extent set forth in the settlements. Mr. Hutcheson seconded and the motion carried 7-0.


- A. Donna Bazzell v. Education and Workforce Development Cabinet
- B. Amy Cox v. V. Cabinet for Health and Family Services
- C. Hamid Rezvanian v. Transportation Cabinet
- D. Martin Baker v. Justice and Public Safety Cabinet (Corrections)
- E. Kerry Mears v. Justice and Public Safety Cabinet (Corrections)
- F. Tara White v. Cabinet for Health and Family Services

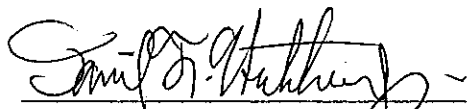
11. **OTHER**

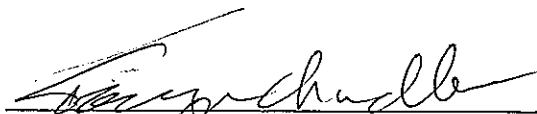
There being no further business, Mr. Hutcheson moved to adjourn. Judge Chandler seconded and the motion carried 7-0. (10:40 a.m.)

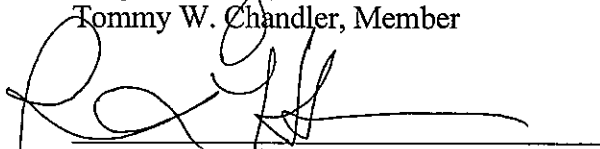

Wayne D. Sapp, Chairman

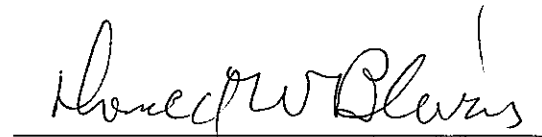

Larry Gillis, Vice Chairman


David B. Stevens, Member


David F. Hutcheson, Jr., Member


Tommy W. Chandler, Member


Ramona Herndon, Member


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